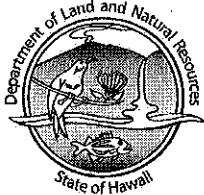


LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

November 29, 2007

LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAIHOLAWA ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Chairperson and Members  
Board of Land and Natural Resources  
State of Hawai'i  
Honolulu, HI 96813

Land Board Members:

**SUBJECT: REQUEST FOR APPROVAL TO ENTER INTO A REBURIAL AGREEMENT  
WITH BBC CORPORATION FOR THE HUMAN SKELETAL REMAINS  
REINTERRED ON THEIR PROPERTY AT WAI'ALAE AHUPUA'A, KONA  
DISTRICT, ISLAND OF O'AHU AT [TMK (1) 3-5-004: 015]**

Submitted for your consideration is a request to enter into a reburial agreement with BBC Corporation to implement the conditions agreed upon by the landowner and accepted by the State Historic Preservation Division.

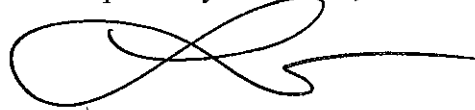
Section 6E-43, and 6E-43.6, Hawaii Revised Statutes, require the State to regulate the proper treatment of human skeletal remains over fifty years old, at any site other than a known, maintained, actively used cemetery. In order to provide perpetual protection for the newly established burial site for the skeletal remains, its location will be recorded in the Bureau of Conveyances together with the attached Reburial Agreement. This Reburial Agreement establishes a permanent preservation zone, access rights for lineal and cultural descendants and states that the burial will not be willfully disturbed by the landowner, its successors and assigns.

The office of the Attorney General has conducted a review of the Reburial Agreement and all suggested amendments were incorporated into the attached agreement.

RECOMMENDATION

That the Board authorize Chairperson Thielen to execute the attached Reburial Agreement with BBC Corporation.

Respectfully submitted,



Linda Kaleo Paik, Cultural Specialist  
Historic Preservation Division

APPROVED FOR SUBMITTAL:



LAURA THIELEN, Chairperson  
Board of Land and Natural Resources

[illegible]

## REGULAR SYSTEM

Return by Mail ( ) Pickup ( ) To:

## REBURIAL AGREEMENT

This Reburial Agreement dated November 20, 2007, by and between BBC CORPORATION, whose address is 1188 Bishop Street, Honolulu, Hawai'i 96813 ("Landowner") and the STATE OF HAWAI'I ("State") by its Board of Land and Natural Resources whose address is Kalanimoku Building, 1151 Punchbowl Street, Honolulu, Hawai'i 96813.

WITNESSETH

WHEREAS, the Landowner owns real property at Wai‘alae Ahupua‘a, Kona District, Island of Oahu, identified by Oahu Tax Map Key No. [TMK: (1) 3-5-004:015] in which property an unmarked burial site containing the skeletal remains of one (1) individual was identified; and further described in “Exhibit A”;

WHEREAS, the State, pursuant to Section 6E-43 and 6E-43.6, Hawai'i Revised Statutes, is responsible for regulating the proper treatment of human skeletal remains over fifty years old, at any site other than a known, maintained, actively used cemetery; and

WHEREAS, the parties desire to enter into this Agreement to rebury the human skeletal remains of the individuals.

NOW THEREFORE, in consideration of the above and the terms and conditions contained herein, the parties agree as follows:

1. The Landowner agrees to allow the skeletal remains of the ancestral Native Hawaiians to be reburied on the Landowner's property located at 4564 Kahala Avenue, Honolulu, Hawai'i 96816 in perpetuity.

2. The Landowner, upon recommendation from the Department of Land and Natural Resources agrees to have a permanent buffer zone of one (1) meter from the 2 sides not adjacent to the northeast corner wall of the reburial site.

3. The Landowner, upon recommendation from the Department of Land and Natural Resources, agrees to landscape with appropriate Native Hawaiian plants and maintain the area surrounding the reburial site.

4. The Landowner agrees to construct a small concrete vault open on the top and bottom and laid one (1) meter below the surface. A large pohaku (stone) will mark the site with no other identifying signage.

5. The Landowner agrees to treat the exact location of reburial sites as confidential information as provided for by section 6E-43.5, Hawai'i Revised Statutes. The Landowner agrees to identify the location of the reburial sites on a map and provide such information to the Department of Land and Natural Resources, Division of Historic Preservation.

6. The Landowner agrees to provide any recognized descendants wishing to visit the reburial sites with a right of access at reasonable times and upon reasonable advance notice, subject to the rules and policies of the Landowner.

7. The Landowner, on behalf of itself and its successors and assigns, covenant and agree not to willfully disturb in any manner, or allow the disturbance of in any manner, the repose of the human skeletal remains reburied at its property at 4564 Kahala Avenue, Honolulu, Hawai'i 96816 .

8. In the event the Landowner learns that the human skeletal remains, or any part thereof, are unearthed by natural causes or otherwise, the Landowner agrees to immediately notify the Department of Land and Natural Resources. The Landowner agrees not to handle the human skeletal remains in any manner. The Department of Land and Natural Resources, shall take proper action to secure the remains in place.

IN WITNESS WHEREOF, the STATE OF HAWAI'I, by its Board of Land and Natural Resources, has caused the Seal of the Department of Land and Natural Resources to be hereunto affixed and the parties hereto have caused this Agreement to be executed as of the day, month, and year first above written.

STATE OF HAWAI'I

By \_\_\_\_\_  
Chairperson, Board of Land and Natural Resources

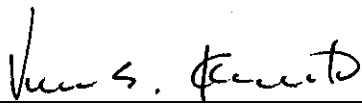
By \_\_\_\_\_  
Member, Board of Land and Natural Resources

LANDOWNER

BBC Corporation  
1188 Bishop Street  
Honolulu, HI 96813

By its \_\_\_\_\_  
(Representative)

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy Attorney General

Dated: 12/4/07

STATE OF HAWAI'I

)

)

SS.

COUNTY OF

)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_ to me known to be the person described in and who executed the foregoing instrument and acknowledged that \_\_\_\_\_ executed the same as \_\_\_\_\_ free act and deed.

\_\_\_\_\_  
Notary Public, State of Hawai'i

My commission expires: \_\_\_\_\_

EXHIBIT "A"

All of that certain parcel of land (part of Apana 2 of the land mentioned or described in Land Commission Award 228, Royal Patent 7721 to Kaleiheana) being LOT 3, BLOCK 5, of KAHALA SUBDIVISION, as delineated on Bishop Estate Maps 1063 and 4530, situate at Kahala, City and County of Honolulu, State of Hawaii, and more particularly described as follows:

Beginning at a 3/4 inch pipe at the East corner of this lot, the South corner of Lot 4 and on the Northwest side of Kahala Avenue the coordinates of said point of beginning referred to Government Survey Triangulation Station "LEAHI" being North 1364.11 feet and East 9072.36 feet and running by true azimuths:

- |    |          |  |
|----|----------|--|
| 1. | 52° 48'  | 90.0 feet along the Northwest side of Kahala Avenue to a 3/4 inch pipe;                        |
| 2. | 142° 48' | 150.0 feet along Lot 2 to a 3/4 inch pipe;   |
| 3. | 232° 48' | 90.0 feet along Lots 9 and 10, Block 5, Kahala Subdivision Extension, to a 3/4 inch pipe;      |
| 4. | 322° 48' | 150.0 feet along Lot 4 to the point of beginning and containing an area of 13,500 square feet. |

Being all of the land conveyed to CORAVILLE N. V., a Netherlands Antilles corporation, by Deed dated June 25, 1987, recorded on June 26, 1987 in the Bureau of Conveyances of the State of Hawaii in Book 20826 at Page 404.

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all minerals and metallic mines.
2. An 8-foot setback for future road widening and a 25-foot building setback line.
3. DECLARATION OF PROTECTIVE PROVISIONS dated December 31, 1981, recorded as aforesaid in Liber 16082, Page 481.

TOGETHER WITH all built-in furniture, attached fixtures, built-in appliances, water heater, electrical and/or gas and plumbing fixtures, attached carpeting, existing drapes, two (2) ranges, two (2) refrigerators, one (1) disposal, one (1) dishwasher, two (2) washers, two (2) dryers, ceiling fans and other articles of household and/or apartment use or ornament which are set forth on an inventory signed by the parties hereto but not attached to this instrument, all of said personal property being situate in or used in connection with the buildings located upon the above described real property.

END OF EXHIBIT "A"